

Please Pass a Bill Similar to- **2011 Senate Bill 562**

Standards for Some Nursery Stock Purchases

Unreasonable City Tree Planting Specs Threaten Nursery/Landscape Industry

NC municipalities are imposing Tree Planting Specs that cost NC tax payers extra money & send tax dollars out of State for Trees.

NC Nurseries & Landscapers lose thousands of dollars on unreasonably rejected Trees- not just on jobs for Cities but also jobs for **ALL COMMERCIAL PROJECTS** that are all regulated by City Arborists, Urban Foresters,& Inspectors..

When trees are rejected by a City there are **no costs to the City**, only added transportation **costs to the Landscape Contractor** & **no payment for the Nursery** -creating conflict in their business relationship & lost profits & products

NC DOT has a paid Inspector that lock-tags trees ahead of time for **NC DOT jobs-eliminating conflicts & rejected trees**. Some cities also do this but other cities like Charlotte have multiple Inspectors & yet are unwilling to adopt this common sense practice.

Sometimes the issue is just a simple arbitrary Inspector's opinion. Trees in many cases are rejected AFTER being planted and therefore the trees become WORTHLESS to the Nursery & Landscapers because the Planting Specs require the needless removal of the wire basket holding the root ball together & in the end these trees CANNOT be RETURNED & are destroyed in removal. Cities differ on Wire Basket removal. Sometimes it's the first ring, or 50%,66% or all. Requiring this root-ball protection to be removed before regrowth into the new location, has little science to show why it's necessary, it's more of an Urban Forester promoted practice, not Horticulture Science with University research.

We Are Asking For Help! The Best Bill would Create a Referee. Let Dept. of Ag. or similar Be the Referee!

Rather than 100's of Municipality Inspectors randomly enforcing arbitrary rules with no recourse for the Contractor, Let Experts from NC State& NC Nursery & Landscape Association create Industry Planting Standards. The ultimate Arbiter of conflicts would be State Agencies that already exist **NC Dept of Ag -Nursery Inspectors** &/or **NC Landscape Contractors Registration Board!**



Many trees rejected are Aesthetically Nice & Healthy plants. Reasons for rejection include:

- #1 Root Flare/Root Collar-Trees may not have dirt on top of roots or complaints of types of soil trees are grown
- #2 Limbing Height 6' high (or higher up to 7' 8' & even 12')
- #3 No Fresh Pruning on ANY Lower, Lateral , or Central Leader Branches
- #4 Landscaper MUST Replacing Trees because of City mistakes
- #5 No Support Staking Allowed
- #6 Cities Banning Landscaping Products (Pine Needles, Certain Plants, Container Grown Trees)

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Explanation:

#1 Root Flare/Root Collar- Sited reason for rejection is that trees are planted in nurseries too low & will die in the Landscape. Most trees from seed or grafted on a tree from a seed do need to be planted with the root flare exposed, this is proper. A large percentage of trees today are asexually reproduced or cloned by rooting cuttings or tissue culture. They do not have this proof of birth- 'belly button' -as a seed born tree does. So it doesn't matter if the tree is planted at the normal depth they still reject some trees like Patented Varieties of Maple, Elm, Holly, etc. that cannot prove the planting level visibly not having a Root Flare at all.

Question: How did the trees grow healthy enough to make it to saleable size to then be prophesied to die@ some future date?

Fact: Tree roots have no cold dormancy mechanism, why should nurseries pay for an expensive baby tree to have it die from lack of water & exposure by a very shallow planting depth? Charlotte used to allow 4" of dirt on roots, now only 2" & doesn't want any soil removed at time of digging-it will "kill tree to remove it because of exposure" was stated reason!! The exact quote was "we want them grown that way"-they want Growers to expose the roots & take the risk of the tree dying. Most Mid-Western, Northern & other East Coast customers don't want soil removed -or planted very shallow either. Urban Foresters discourage Growers from using machines to plant trees in the field in favor of going back to planting by hand & shovel for correct depth placement- talk about inefficient & not profitable!

#2 Limbing Height 6' high (or higher up to 7' 8' & even 12'). Many City Bids ask for trees that are small stature, young, short growing, understory trees to have first branches @ 6' high. It is an unreasonable Tree Species selection by the City Designer. Also most of the East Coast follow the ratio of 66% canopy 33% trunk. Some NC cities want 50-60% trunk to meet a 6' Limb height spec on young trees-often blaming City DOT visibility rules. If NC Nurseries choose to meet these LOCAL ONLY practices, it often limits where NC Growers can sell Trees.

#3 No Fresh Pruning on ANY Lower Branches or Central Leaders or Lateral Branches. Most pruning is done during winter dormancy, so as to train a young tree to be dense, symmetrical, straight & to also raise limbing height. City inspectors consider fresh to be today & possibly more than 1 year old. Some large prunes may be healing but take years to completely close, never to be able to be sold at the popular 2-4 year old smaller sizes. The nation wide **American Nursery Standards** or '**ANSI**' are what most city websites proclaim to follow but these Normal Nursery Practices like fresh pruning reasonably sized branches are allowed by '**ANSI**'. Most side branches that may be pruned on Landscape size shade trees are not even part of the future tree canopy. **One Church was even fined \$4000 dollars for pruning their own trees!**

#4 Replacing Trees because of City mistake - Charlotte says which Tree species is to be planted, City says 6 months later that City made mistake but Developer must Replace Healthy Trees at his cost with New species on his own property, before C/O is granted.

#5 No Staking Allowed- Most Cities in NC require 1 year guarantee from Tree Installer but even with Hurricanes, Ice Storms, Thunderstorms, etc, they will not allow the trees to be staked, and additionally some cities require trees to be planted high- as much as 6" above original ground level so the Tree has even less support until new roots are grown. Some trees in Charlotte have even been rejected due to a small hole in the root ball - evidence of a stake being removed at the Nursery before digging. Many trees are rejected for showing signs of staking at the nursery such as a hole in the ground or iron on trunks from metal stakes.

#6 Banning Landscaping Products- Some NC cities like Cary have banned Pine Needle Mulch as a Fire Hazard. Some States like CT & MA have banned 80 Landscaping Plants- how long before a NC Municipality decides to follow? Some Cities Inspectors have been taught @ Conferences that trees grown in containers anytime during their life will have circling roots that will kill them in the future, they don't even allow healthy Container Grown trees to be planted- many field grown trees have origins in containers too.

We Are Asking For Help! A Bill that Creates a Referee in the Game. NC Dept of Ag -Nursery Inspectors &/or NC Landscape Contractors Registration Board!



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What are Expectations & Goals of some Cities for Tree Planting Specs?

Are there multiple Departments over City Plantings & Specs? Urban Forester, Power Companies, DOT, etc

Are there differences between certain Inspectors & their implementation of Inspections?

What are some differences between some NC Cities in these Specs & are they copying or will they copy other Places when they create these Specs?

Economic Costs/Benefits for Growers, Sellers & Landscapers working with Cities who Inspect Plantings

Economic Impact on Cities & State of NC when Planting Specs are too Strict.

****Discuss Possible Options for Working with Cities to Effect Change for Specs to be More Reasonable to Growers, Sellers, and Landscapers and not Compromise Quality for the City Trees**

1. Meetings City Leaders
2. Conflict Appeals &/or Referees, 3rd party?-Dept. of Ag
3. Other Options, State Laws, etc?

Nursery Tree- City Specs Bill *** This was a bill that already had overwhelming bi-partisan support in NC SENATE passed 45-3 *** only adds private property clarification to allow cities to do as they will on their own property.

We support legislation that prohibits COMMUNITY APPEARANCE COMMISSIONS, CITIES, AND COUNTIES FROM REQUIRING THAT NURSERY STOCK THAT IS PURCHASED for private property WITHIN THE JURISDICTION OF THE COMMISSION, CITY, OR COUNTY RESPECTIVELY MEET ANY STANDARD FOR NURSERY STOCK THAT IS STRICTER THAN THE AMERICAN STANDARD FOR NURSERY STOCK ADOPTED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, UNLESS THE STRICTER STANDARD IS NECESSARY TO PROTECT PUBLIC HEALTH OR SAFETY.

NC has always supported private property rights & farmers right to fair & open markets. Tree Nurseries have no recourse at this time with out of control City Gov't bureaucrats who can interfere with basic contract law between nurseries & landscape customers on EVERY project done in city limits for ALL commercial private property even overriding Architects.

Cities are costing NC Tree Farms, who sell into cities, thousands of dollars by rejecting trees for unreasonable things like:

1. **No Dirt on top of Roots**, they don't want it removed at planting, want them grown in Nurseries that way.
2. **Requiring a visible Root Collar on trees from cuttings or tissue culture that don't have one.**
3. **No Staking Allowed & planting 6" high/may blow over*** Also Rejection for stake holes left in ground at production.
4. **Limbing height of 6' on all trees even low growing trees like dogwoods & redbuds**
5. **No Fresh Pruning on ANY Lower Branches or Central Leaders or Lateral Branches**
6. **Replacing Trees because of City mistake, as much as 6 months after planting changing the type tree required**
7. **One NC city even fined a CHURCH \$4000 for pruning 4 Crape Mytles on the Church's own property making International News!**

Other Possible Best Solutions to Limit Municipal Tree Rejections.

1. Referee Agency to Appeal tree rejections & come to consensus without loss of tree value on site.
2. In Absence of Referee, allow reasonable Fresh pruning to central leaders & to meet 6' limbing height.
3. Allow soil removal by Landscaper at job site to top of ball if necessary. Allow girdling roots be cut to remove offending root if found.
4. Like NC DOT Staff Inspector already does, have City or Municipal Agency Inspector required to go to the Nurseries selected by Landscape Contractor low bid winner to tag before digging .
 - A. This saves the loss of tree value for nurseries to be able to sell to other customers at a different time since they a living & may not be restocked on a shelf like other goods....this eliminates majority of the issues.
 - B. This puts city skin in the game for them.... it creates added costs for them to reject trees at multiple nurseries, & potentially keeps them closer to NC for their purchases.